

Table of Contents

16.06.08 - Rules and Minimum Standards for DUI Evaluators

000. Legal Authority.	2
001. Title And Scope.	2
002. Written Interpretations.	2
003. Administrative Appeals.	2
004. Incorporation By Reference.	2
005. Office -- Office Hours -- Mailing Address -- Street Address -- Telephone Number -- Internet Website.	2
006. Confidentiality Of Records And Public Records Requests.	2
007. -- 009. (Reserved).	3
010. Definitions.	3
011. -- 199. (Reserved).	4
200. Licensure.	4
201. -- 224. (Reserved).	4
225. Qualifications.	4
226 -- 249. (Reserved).	5
250. Renewal Of License.	5
251. -- 274. (Reserved).	6
275. Denial, Suspension Or Revocation Of License.	6
276. -- 299. (Reserved).	7
300. Inspections.	7
301. -- 499. (Reserved).	7
500. DUI Evaluations.	7
501. -- 599. (Reserved).	8
600. Statistical Reporting.	8
601. -- 699. (Reserved).	8
700. Quality Assurance, Peer And Technical Review.	8
701. -- 799. (Reserved).	8
800. Advisory Board.	8
801. -- 999. (Reserved).	8

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. Certified, Credentialed or Licensed Alcohol/Drug Counselor. A counselor possessing voluntary certification or licensure by a recognized state or national alcohol/drug abuse/addiction counselor credentialing or certifying organization. Knowledge and skills may be acquired through a combination of specialized training, education and experience (4-11-06)

02. Continuing Education. Department approved course work which may be from an accredited university or college in alcohol and drug abuse studies, social work, psychology, or counseling and guidance; workshops or seminars on the subjects of alcohol and drug evaluation, treatment or prevention issues sponsored by state licensed facilities, state or federal government or other accredited educational institutions, and distance education classes. All continuing education hours must be specific to substance use disorders and their evaluation and treatment or related to chemical dependency counseling. (4-11-06)

03. Defendant. A Person who has been charged with, pled guilty to, or found guilty of driving under the influence of alcohol, drugs or any other intoxicating substances; or any crime as set forth under Title 18, Chapter 80, Idaho Code. (4-11-06)

04. Department. The state of Idaho Department of Health and Welfare. (12-31-91)

05. Director. The Director of the state of Idaho Department of Health and Welfare or his designee. (12-31-91)

06. DUI. Driving while under the influence of alcohol, drugs or intoxicating substances (12-31-91)

07. DUI Evaluation. The process of obtaining information through a face-to-face interview with the defendant in order to determine the nature and the extent of the defendant's use of alcohol or drugs and to recommend appropriate risk reduction education or treatment services (4-11-06)

08. Idaho Board of Alcohol/Drug Counselor's Certification, Inc. (IBADCC). Affiliated with the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC), the IBADCC is the certifying agency that oversees credentialing of Certified Alcohol/Drug Counselors (CADC), Advanced Certified Alcohol/Drug Counselors (ACADC), Certified Clinical Supervisors (CCS), and Certified Prevention Specialists (CPS) in the state of Idaho. The IBADCC may be contacted at the following address and telephone number: 270 N. 27th Street, Suite B, Boise, ID 83702 (208) 395-1078. (4-11-06)

09. Licensed DUI Evaluator. The licensed person qualified to provide diagnostic impression, assessment, or evaluation services to DUI defendants in the state of Idaho. For the purposes of these rules and regulations, a licensed DUI evaluator may constitute a facility. (4-11-06)

10. Licensee. The person who has been approved and issued a license under Section 200 of these rules. (4-11-06)

11. Peer Review. A quality assurance process by which a team of DUI Evaluators and Department staff convene to review evaluations for consistency with minimum standards as described in Section 700 of these rules. (4-11-06)

12. Quality Assurance Process. The combination of technical and peer reviews of evaluations to assure the evaluations consistently meet minimum standards. (4-11-06)

13. Substance Related Violation. Any withheld judgment or conviction in which substance use is identified as a contributing factor. (4-5-00)

14. Technical Review. The quality assurance process of the Department evaluating the accuracy, legibility, appropriateness, and completeness of Department required forms and reporting formats used during DUI

a. Has professional experience supervised by a Certified, Credentialed or Licensed Alcohol/Drug Counselor in which a minimum of seven hundred twenty (720) cumulative hours were spent in the performance of alcohol/drug evaluation or treatment over the three (3) year period immediately prior to the application date; and (4-11-06)

b. Holds one (1) of the following professional certifications or licenses: (4-11-06)

i. Is an IBADCC Certified Alcohol/Drug Counselor or IBADCC Advanced Certified Alcohol/Drug Counselor; or (4-11-06)

ii. Is an Idaho Licensed, Licensed Clinical, or Licensed Masters Social Worker; or (4-11-06)

iii. Is an Idaho Licensed Professional Counselor; and (4-11-06)

iv. Is an Idaho Licensed Marriage and Family Therapist or Idaho Registered Marriage and Family Therapist Intern; and (4-11-06)

c. Applicants must successfully pass the competency-based DUI Evaluator examination. (4-11-06)

d. The applicant must have attended a minimum of twenty (20) hours of Department approved continuing education course work related to substance abuse screening, assessment, confidentiality, and referral within the twelve (12) months prior to applying for a license (4-11-06)

02. Documentation. The application submitted to the Department for licensure as a DUI evaluator must be accompanied by: (4-11-06)

a. A current copy of professional licenses, or certifications (4-11-06)

b. A detailed employment history showing dates and hours of supervised employment experience in an alcohol/drug evaluation or treatment program, the name of the program, the name of the direct supervisor and a copy of their certification credential or license as an alcohol/drug counselor, and the nature of the duties performed. (4-11-06)

c. Verification of attendance at the course work described in Subsection 225 01 d. of these rules. (4-11-06)

03. Examination. The examination required by Subsection 200 03 of these rules will be administered a minimum of twice per year under the direction of the Department at times and locations to be announced by the Department. (4-11-06)

04. License Granted Prior to July 1, 2006 If an individual was granted a license prior to July 1, 2006, and met the rule requirements at that time, he may continue to have his license renewed using those qualifications until such time as his license expires without renewal or the license is revoked by the Department. (4-11-06)

226 -- 249. (RESERVED).

250. RENEWAL OF LICENSE.

The licensee is responsible for renewing the license in accordance with this chapter and requesting a renewal packet from the Department. No license will be renewed, except as provided in Section 250 of these rules (4-11-06)

01. Renewal Application At least sixty (60) days prior to the expiration of the license, the licensee must apply for a renewal of the license on forms provided by the Department. The Department is not responsible for notifying the licensee of these time lines and failure to receive notice from the Department does not waive or extend renewal deadlines. The application must be accompanied by a twenty-five dollar (\$25) renewal fee payable to the Department. (4-11-06)

06. Felony Conviction If an applicant or licensee has been convicted of a felony within the past three (3) years. (4-11-06)

07. Determination of Any Illegal Act If there has been a criminal, civil, or administrative determination that the licensee has committed, permitted, or aided and abetted the commission of any illegal act while holding a DUI Evaluator license. (4-11-06)

08. Inadequate Knowledge or Performance If the applicant or licensee demonstrates inadequate knowledge, performance, or both by repeated substandard peer and quality assurance reviews (4-11-06)

09. Failure to Furnish Data, Information or Records If the applicant or licensee fails to furnish any data, information or records as requested by the Department (4-11-06)

10. Refusal to Participate in Quality Assurance Process If the applicant or licensee refuses or fails to participate in the peer review and quality assurance process (4-11-06)

11. Second Revocation Upon a second revocation, no further licenses will be issued (4-11-06)

12. Result of Department Action The following conditions apply as a result of action taken by the Department: (4-11-06)

a. A person whose license has been denied, suspended or revoked cannot offer or provide DUI evaluations and may not represent themselves as DUI Evaluators. (4-11-06)

b. Within thirty (30) days of the license being denied, suspended or revoked, the DUI Evaluator's name will be removed from the Department's DUI Evaluator's Directory. (4-11-06)

13. Notice and Hearing The Department must give the applicant or licensee notice of intent to suspend, deny, or revoke approval, the right to appeal in accordance with the provisions of Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Sections 600, et seq., "Rules Governing Contested Cases and Declaratory Rulings" (4-11-06)

14. Return of License The DUI evaluator license is the property of the state of Idaho and must be returned to the Department immediately upon the denial, suspension, or revocation of the license, or if the operation is discontinued by the voluntary action of the licensee. (4-11-06)

276. -- 299. (RESERVED).

300. INSPECTIONS.

The Department reserves the right to inspect any office, files, client records, or other materials of any licensee to ascertain compliance with these rules. (4-11-06)

301. -- 499. (RESERVED).

500. DUI EVALUATIONS.

01. Record System. The DUI evaluator must maintain a record system of client files for a minimum of five (5) years. Client files will minimally include the written evaluation, supporting documents, and use the same client identifier to correspond with the data collected for statistical reporting as described in Section 600 of these rules. (4-11-06)

02. Individual DUI Evaluation. The DUI evaluation conducted by the licensee must be composed of the minimum following items: (4-11-06)

a. All DUI evaluations must have a one (1) page typed summary sheet, and the evaluation report consistent with Idaho Supreme Court Misdemeanor Criminal Rule 9.4. A list of approved screening tools can be requested from the Department at the address located in Section 005 of these rules. Criminal Rule 9.4 may be found

Subject Index

<p>A</p> <p>Additional Forms, Statistical Reporting 8</p> <p>Advisory Board 8</p> <p>Application Review 4</p> <p>Application for a License 4</p>	<p>I</p> <p>Idaho Board of Alcohol/Drug Counselor's Certification, Inc (IBADCC) 3</p> <p>Inadequate Knowledge or Performance, Denial, Suspension or Revocation of License 7</p> <p>Individual DUI Evaluation 7</p> <p>Inspections 7</p>	<p>T</p> <p>Technical Review 3</p>
<p>C</p> <p>Certified, Credentialed or Licensed Alcohol/Drug Counselor 3</p> <p>Collected Information, Statistical Reporting 8</p> <p>Conflict of Interest, Denial, Suspension or Revocation of License 6</p> <p>Continuing Education 3</p> <p>Continuing Education Credits, Renewal of License 6</p> <p>Current Copy of Certification or License, Renewal of License 6</p>	<p>L</p> <p>License Granted Prior to July 1, 2006, Qualifications 5</p> <p>License Renewed for One Year, Renewal of License 6</p> <p>Licensed DUI Evaluator 3</p> <p>Licensee 3</p> <p>Licensure 4</p>	
<p>D</p> <p>DUI 3</p> <p>DUI Evaluations 7</p> <p>DUI Evaluator Examination 4</p> <p>Data Reported Monthly, Statistical Reporting 8</p> <p>Defendant 3</p> <p>Definitions, IDAPA 16.06.08, Rules & Minimum Standards For DUI Evaluators 3</p> <p>Denial of Renewal, Renewal of License 6</p> <p>Denial, Suspension Or Revocation Of License 6</p> <p>Determination of Any Illegal Act, Denial, Suspension or Revocation of License 7</p> <p>Determination of Fraud or Gross Negligence, Denial, Suspension or Revocation of License 6</p> <p>Determination of Misrepresentation of Application, Denial, Suspension or Revocation of License 6</p> <p>Documentation, Qualifications 5</p>	<p>N</p> <p>Notice & Hearing, Denial, Suspension or Revocation of License 7</p> <p>Q</p> <p>Qualifications Of Staff, DUI Evaluator 4</p> <p>Qualifications, DUI Evaluator 4</p> <p>Quality Assurance Process 3</p> <p>Quality Assurance Process Participation 4</p> <p>Quality Assurance, Peer & Technical Review 8</p>	
<p>E</p> <p>Examination, Qualifications 5</p> <p>Expired License, Renewal of License 6</p>	<p>R</p> <p>Record System, DUI Evaluations 7</p> <p>Refusal to Participate in Quality Assurance Process, Denial, Suspension or Revocation of License 7</p> <p>Removal of Evaluator's Name From Directory, Renewal of License 6</p> <p>Renewal Application, Renewal of License 5</p> <p>Renewal Of License 5</p> <p>Responsibility of Licensee 4</p> <p>Result of Department Action, Denial, Suspension or Revocation of License 7</p> <p>Return of License, Denial, Suspension or Revocation of License 7</p>	
<p>F</p> <p>Failure to Comply, Denial, Suspension or Revocation of License 6</p> <p>Failure to Furnish Data, Information or Records, Denial, Suspension or Revocation of License 7</p> <p>Felony Conviction, Denial, Suspension or Revocation of License 7</p>	<p>S</p> <p>Second Revocation, Denial, Suspension or Revocation of License 7</p> <p>Statistical Reporting 8</p> <p>Substance Related Violation 3</p> <p>Substance-Related Violation, Denial, Suspension or Revocation of License 6</p>	